

1 **Rebecca A. Caley** (CA Bar No. 131997)
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6 Attorneys for Plaintiff,
7 Mercedes-Benz Financial Services
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9 UNITED STATES BANKRUPTCY COURT
10 NORTHERN DISTRICT OF CALIFORNIA
11 Santa Rosa Division
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13 In re)	Case No. 11-13214-AJ 7
14 Dean Gregory Asimos,)	Chapter 7
15)	Adv. Case No. 14-01017-AJ
16 Debtor.)	
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17 Mercedes-Benz Financial Services USA)	PLAINTIFF'S OPPOSITION TO
18 LLC, fka DCFS USA LLC,)	DEFENDANT'S MOTION TO
19 Plaintiff,)	VACATE CLERK'S ENTRY OF
20)	DEFAULT
21 v.)	
22 Dean Gregory Asimos,)	DATE: May 23, 2014
23 Defendant.)	TIME: 10:00 a.m.
<hr/>		CTRM: Hon. Alan Jaroslovsky
		99 South "E" Street
		Santa Rosa, CA 95404

24 TO: THE HONORABLE ALAN JAROSLOVSKY, UNITED STATES
25 BANKRUPTCY JUDGE, DEFENDANT DEAN GREGORY ASIMOS AND HIS
26 ATTORNEY OF RECORD:

27 Plaintiff Mercedes-Benz Financial Services USA LLC, fka DCFS USA LLC
28 ("Plaintiff") hereby opposes defendant Dean Gregory Asimos' ("Defendant") Motion to

1 Vacate Clerk's Entry of Default due to defective notice.


2 The Notice of Hearing received by Plaintiff's counsel provides notice to
3 responding parties that any opposition must be served and filed at least seven (7)
4 calendar days before the hearing date. However, Local Bankruptcy Rule 7007-1(b),
5 provides that: "Any opposition to a motion shall be filed and served at least 14 days
6 before the hearing." [Emphasis added.] [See Declaration of Rebecca A. Caley and the
7 **Exhibit "1"** Notice of Hearing attached to her declaration.]

8 Prior to filing the within opposition, Plaintiff's counsel attempted to notify
9 Defendant's counsel of the defective notice and to discuss the merits of the case.
10 However, Plaintiff's counsel has been unable to contact opposing counsel. [See
11 Declaration of Rebecca A. Caley in Support of Opposition.]

12 Therefore, Plaintiff respectfully requests that the Motion be continued, so
13 Defendant can give proper notice.
14

15 Dated: May 9, 2014

CALEY & ASSOCIATES
A Professional Corporation

17 By: 
18 Rebecca A. Caley
19 Attorneys for Plaintiff,
20 Mercedes-Benz Financial Services
21 USA LLC, fka DCFS USA LLC
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